

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 KWAME GAINES,

4 Plaintiff

5 v.

6 KATHERINE MANZANITAS, et al.,

7 Defendants

Case No.: 2:21-cv-02029-APG-EJY

**Order Accepting Report and
Recommendation and Dismissing Case**

[ECF No. 3]

8 On November 22, 2021, Magistrate Judge Youchah recommended that I dismiss plaintiff
9 Kwame Gaines's complaint for lack of subject matter jurisdiction, without prejudice to Gaines
10 asserting his claims in state court. Gaines did not object. Thus, I am not obligated to conduct a
11 de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district
12 courts to "make a de novo determination of those portions of the report or specified proposed
13 findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
14 Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and
15 recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

16 I THEREFORE ORDER that Magistrate Judge Youchah's report and recommendation
17 (ECF No. 3) is accepted, and plaintiff Kwame Gaines's complaint (ECF No. 1-1) is dismissed for
18 lack of subject matter jurisdiction, without prejudice to Gaines filing his claims in state court.
19 The clerk of court is instructed to close this case.

20 DATED this 15th day of December, 2021.

21 

22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE